

JUL 14 2004

OFFICIAL

Application number: 09/396005

Art Unit: 3621

Applicant: Khai Hee Kwan

Examiner: David Q. Le

Title: Method, apparatus and program to make payment in any currencies through a communication network system using prepaid cards

IN THE UNITED STATES PATENT AND TRADEMARK OFFICETO: Commissioner for Patents
Virginia 22313-1450

Sir:

In reply to Office Action mailed on April 20, 2004, we respectfully ask the examiner to consider our response below.

Administrative Issues:

We refer to the examiner's response mailed April -20 -2004 wherein at page 2 para 3, the examiner restated that a copy of the official application claim from our Australian application has been acknowledged as filed 08/11/1999. However, this is not what we asked in our response dated Dec 18 2003 and herein restated from page 1 para 1 :

"We have previously submitted our Declaration of prior Invention under 37 CFR 1.131 as part our response to final action but to date we have yet to receive any response despite querying said in our subsequent CPA application. We therefore ask the examiner again for the results to our submitted declaration in order for us to better assess the status of our submission."

We were asking about the status of 'swearing back' under 37 CFR 1.131 and not whether our Australian Application priority date has been received. An unsigned copy of our earlier declaration is as attached as Appendix 1 for reference which refers to our physical evidence in diskettes/notes from diary and its separate from our Australia application. We had included the swearing back to over come David (provisional application 60/146628 - application date 07/30/99) to show conception date even before the stated Australian application date of 08/11/99, as part of our final action submission previously.

Status of Claims

The examiner has rejected claims 13,15-17, 19-22, 24-25 and 19-31 under 35 USC 102(b) as unpatentable over Rosen (US 5455407). Claim 14,18,23 and 26-28 are rejected under 35 USC 103(a) over Rosen (US 5455407)

ALL rejections are respectfully traversed with the following reasoning as detailed below.